

TONY DAVIS

(Name)

UNIT I, BH-61L, P.O.Box 107

(Address)

TEHACHAPI, CA 93581

(City, State, Zip)

J-76575

(CDC Inmate No.)

2254	1983	<input checked="" type="checkbox"/>
FILING FEE PAID		
Yes	No	<input checked="" type="checkbox"/>
IFP MOTION FILED		
Yes	No	<input checked="" type="checkbox"/>
COPIES SENT TO		
Court	ProSe	<input checked="" type="checkbox"/>

FILED
OCT 20 2008
CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA BY <i>[Signature]</i> DEPUTY

United States District Court
Southern District of California

TONY DAVIS

(Enter full name of plaintiff in this action.)

Plaintiff,

v.

TRUST COMPANY OF THE WEST

(Enter full name of each defendant in this action.)

Defendant(s).

'08 CV 1953 LAB RBB

Civil Case No. _____

(To be supplied by Court Clerk)

Complaint Under the
Civil Rights Act
42 U.S.C. § 1983

A. Jurisdiction

Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional authority, list them below.

B. Parties

1. **Plaintiff:** This complaint alleges that the civil rights of Plaintiff, TONY DAVIS
(print Plaintiff's name)
_____, who presently resides at P.O.Box 107, TEHACHAPI, CA
(mailing address or place of confinement)
93581, were violated by the actions

of the below named individuals. The actions were directed against Plaintiff at CALIFORNIA
CORRECTIONAL INSTITUTION on (dates) 9/3/99, _____, and _____.
(institution/place where violation occurred) (Count 1) (Count 2) (Count 3)

2. Defendants: (Attach same information on additional pages if you are naming more than 4 defendants.)

Defendant TRUST COMPANY OF THE WEST resides in LOS ANGELES, CA,
(name) (County of residence)
 and is employed as a CORPORATION. This defendant is sued in
(defendant's position/title (if any))
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: _____

Defendant _____ resides in _____,
(name) (County of residence)
 and is employed as a _____. This defendant is sued in
(defendant's position/title (if any))
 his/her ☐ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: _____

Defendant _____ resides in _____,
(name) (County of residence)
 and is employed as a _____. This defendant is sued in
(defendant's position/title (if any))
 his/her ☐ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: _____

Defendant _____ resides in _____,
(name) (County of residence)
 and is employed as a _____. This defendant is sued in
(defendant's position/title (if any))
 his/her ☐ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: _____

C. Causes of Action (You may attach additional pages alleging other causes of action and the facts supporting them if necessary.)

Count 1: The following **civil right** has been violated: U.S. CONSTITUTIONAL AMENDMENT

(E.g., right to medical care, access to courts,
5 and the GUARANTEE THAT NO AMERICAN CITIZEN MAY BE DEPRIVED OF LIFE,
due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment,
etc.) LIBERTY OR, PROPERTY WITHOUT DUE PROCESS OF LAW

Supporting Facts: [Include all facts you consider important to Count 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, *by name*, did to violate the right alleged in Count 1.]

SEE ATTACHED

Supporting Facts: [Include all facts you consider important to Count 3. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, *by name*, did to violate the right alleged in Count 3.]

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

1. Have you filed other lawsuits in state or federal courts dealing with the same or similar facts

involved in this case? ☒ Yes ☐ No.

If your answer is "Yes", describe each suit in the space below. [If more than one, attach additional pages providing the same information as below.]

(a) Parties to the previous lawsuit:

Plaintiffs: TONY DAVIS

Defendants: TRUST COMPANY OF THE WEST

(b) Name of the court and docket number: UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA 06-CV-793 W (WMc)

(c) Disposition: [For example, was the case dismissed, appealed, or still pending?] DISMISSED

(d) Issues raised: NO FEDERAL ISSUE RAISED

(e) Approximate date case was filed: APRIL 6, 2006

(f) Approximate date of disposition: APRIL 13, 2006

2. Have you previously sought and exhausted all forms of informal or formal relief from the proper administrative officials regarding the acts alleged in Part C above? [E.g., CDC Inmate/Parolee Appeal Form 602, etc.] ? ☐ Yes ☒ No.

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought.

INMATE PAROLEE APPEAL FORM/CDCR HAS NO JURISDICTION OR SAY ON HTIS MATTER

E. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. An injunction preventing defendant(s): _____

2. Damages in the sum of \$ WHAT THE COURT DEEMS JUST AND FAIR

3. Punitive damages in the sum of \$ WHAT THE COURT DEEMS JUST AND FAIR

4. Other: JUST COMPENSATION ON THE SALE OF REAL PROPERTY

LOCATED AT 4839 RENO DRIVE, SAN DIEGO, CA

F. Demand for Jury Trial

Plaintiff demands a trial by ☐ Jury ☒ Court. (Choose one.)

G. Consent to Magistrate Judge Jurisdiction

In order to insure the just, speedy and inexpensive determination of Section 1983 Prisoner cases filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 U.S.C. § 636(c), thus waiving the right to proceed before a district judge. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to utilize this efficient and expeditious program for case resolution due to the trial judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motions and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and the entry of final judgment by indicating your consent below.

Choose only one of the following:

☒ Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR

☐ Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

Date

Signature of Plaintiff

STATEMENT OF FACTS

1
2 1. In the 1980's plaintiff's mother put down \$50,000.00 payment on
3 two (2) pieces of land and secured a bill of credit for the remainder of
4 the purchase price.

5 2. Plaintiff Tony Davis was placed on the deed as co-owner of property.

6 3. Bill of credit, interest and principal payments were made and kept
7 current for approximately twenty (20) years until the passing of plaintiff's
8 mother in 1997/1998.

9 4. On or about September 3, 1999, the Corporation of Bankers Company
10 of California took possession of and sold two (2) pieces of real property
11 located at 4839 and 4841 Reno Dr., in the city of East San Diego, CA in the
12 County of San Diego, belonging to both Ms. Ruby Davis (Maiden name "Beasley")
13 and the plaintiff Tony Davis without notifying plaintiff Tony Davis, who
14 was and is co-owner of the property in question. Plaintiff Tony Davis name
15 is on the Deed to said property.

16 5. The facts indicate that sometime during the year(s) of 1997/1998,
17 Ms. Ruby Davis (Beasley) passed, and at the time of her demise plaintiff
18 Tony Davis was incarcerated and had lost contact with the family until the
19 year 2005.

20 6. Plaintiff began making inquiries into the whereabouts of the deed
21 to the property in question in order to make a claim.

22 7. Plaintiff received only one (1) response to the numerous inquiries
23 made informing him of a record of the sale of the both properties located
24 at 4839 and 4841 Reno Dr, San Diego, CA.

25 8. In an effort to obtain documentation of the sale of the properties
26 in question plaintiff contacted the current owners, who were unwilling to
27 provide plaintiff any documentation.



1 9. Although plaintiff is currently incarcerated, the Bankers Trust
2 Company of California should have contacted Plaintiff in an effort to
3 SEE WHAT, IF anything plaintiff could do regarding any obligations or
4 liens against the property.

5 10. Therefore, the said properties were unlawfully taken by the Bankers
6 Trust Company of the West to sell

7 11. Further, plaintiff has not been compensated by any monies after
8 the sell and subsequent disbursement of funds on any outstanding loans
9 or liens.

10 LEGAL CLAIMS.

11 Plaintiff support the following claims by reference to the previous
12 paragraphs of the complaint 1 - 11.

13 The negligence, unlawful sale of real property and breach of contract
14 are in violation of plaintiff Tony Davis' rights under California Satte
15 Law, California Constitutional Law.

16 The Unlawful posession and sale of property is in violation of the 5th
17 Amendment of the United States Constitution and is a violation of Federal
18 Law which guarantees that no American citizen may be deprived of life,
19 liberty or property without Due Process of law, the defendants violated the
20 5th and 14th Amendments of the the U.S. Constitution

21 jurisdiction

22 This Court has jurisdiction over plaintiff's federal claims pursuant
23 to 28 U.S.C. §§ 1391 and 1343 (a)(3)

24 This Court has jurisdiction over plaintiff's state law claims pursuant
25 to 28 U.S.C. § 1367.

26

27 DATED:

Tony Davis IN PRO SE AND PRO
PER.



MEMORANDON OF POINTS AND AUTHORITIES

I

PETITIONER IS ENTITLED TO RECOVERY OF PROPERTY

It is a fundamental principal of our law that, "(A) person may not be deprived of...property without due process of law."

California Constitution, Article I, section 7

While evidence code, section 637 provides that the "things which a person possesses are presumed owned by him," unless and until evidence is introduced which would support a finding in the contrary. In this light, said property owned by Plaintiff was illegally disposed of without any form of proper and legal search for Plaintiff.

Moreover, actions for recovery of property which was seized simply because Plaintiff is incarcerated are not subject to the claims requirement of the Goverment Tort Claims Act. Government Code, section 900 et. seq.; Minsky v. City of Los Angeles, supra, (1974) 11 C3d 123; Holt v. Kelly, (1978) 20 C3d 560, 564-565; Hibbard v. City of Anaheim, (1984) 162 CA3d 270, 276.

Nor does the fact that Federal or other governmental agencies may rid itself of the property in question or be exempt of its liability and responsibility to the Petitioner.

The law is abundantly clear that property lawfully owned by a citizen which has been retained or detained by Federal or governmental agencies must be returned to the rightful property owner. The owner retains his/her right to eventual specific recovery, ~~whether he seeks to regain tangible property like an automobile, or land, or whether he seeks to recover specific sum~~ of money which, under the general constructive trust principals, is traceable to property within the possession of the Plaintiff.

New Port v. Hatton, (1924) 195 Cal. 132, 150-151; Dalikas v. Para, (1948) CA2d 243, 248-249.

See attached exhibits labled (A) through (H). Exhibit (H) shows just a few of the twenty (20) to twenty-five (25) inquires that were made by Plaintiff for legal Counsel, and most, or

all of these inquiries were either returned to sender or sent back return to sender or came back to Plaintiff with a denial note. Plaintiff has been diligent in his endeavors as the Bankers Trust Company was reckless in the sale of Plaintiff's property.

Based upon the above, relief prayed for by Petitioner is warrented and should be issued.

Whereas, I, TONY DAVIS, the Petitioner herein, hereby authorize that the above-described property be released (or cashiers check/money order in the amount of todays market value of said property be provided to:

TONY DAVIS J-76575

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, and that this declaration was executed on the 28th day of March, 2006, at California Correctional Institution State Prison, in the County of Kern, City of Tehachapi.

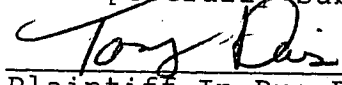
Petitioner/Declarant

1 Equal Access to Justice. I the plaintiff have tried every
 2 honest effort to approach the court with the facts of the case
 3 that clearly shows the negligence and theft by deceptive practic-
 4 being implimented by the defendant to deprive me the plaitiff
 5 of my rightful property. However it is painfully obvious I
 6 do not nor will I ever have the expertise to credibly protect
 7 my interest. My first attempt to the federal court was refused
 8 on grounds I am unable to comprehend. Subsequently my attempt
 9 at the state court level was immediately refered back to the
 10 frederal court level. Should a company the government licensed
 11 to do business be allowed to rob my family of our property
 12 because my mother died while I am an incarcerated prisoner, who
 13 is unable to access adequate legal representation (see exhibit
 14 B).

15 Granted my legal skills cannot provide the proper challenges
 16 to a 'Trust Company of the West' and the copurts demand for
 17 my ability to show what federal issues are raised in this caise
 18 ;that is why if the court is to deny this request for legal
 19 representation, I am asking for a caveat to freeze all assets
 20 in question and stop all proceedings until such time as I am
 21 released from prison, at which time I will have access to and
 22 be able to acquire proper legal representation to protect my
 23 families property and interest.

24 I declare under penalty of perjury the the foregoing is
 25 true and correct, and that this Motion to the Court was executed
 26 on the 9th day of April 2008 at California Correctional Institu-
 27 tion at Tehachapi, CA in Kern County

Dated: 4-9-08

Respectfully Submitted,

 Plaintiff In Pro Per.

DECLARATION OF TONY DAVIS J76575

1
2 1. That I am the defendant in the within bona fide legal
3 cause of action; am a poor indigent incarcerated prisoner, and have
4 at risk threatened personal and/or property rights as a result of
5 the within cause of action;

6 2. That declarant is a layperson, untrained in law, and
7 as a result of poor, indigent, and incarcerated status is barred
8 from access to the courts to protect personal and/or property rights
9 as guaranteed by due process and equal protection clauses of both
10 the state and federal constitutions;

11 3. That declarant is forced to represent self in defense
12 of the within suit, is without funds to employ counsel, and has no
13 legal training, experience, access to legal materials and/or access
14 to the courts necessary to adequately and reasonably protect declar-
15 ant's present and future personal and/or property rights;

16 4. That declarant is being harrassed by plaintiff herein
17 in as much as declarant is indigent and incarcerated, unable to
18 retain an attorney, and that without adequate representation and
19 meaningful access to the courts declarant is likely to suffer adverse
20 judgement and therefrom a significant issue of liability would arise
21 impacting declarant's personal and/or property rights both present
22 and in the future;

23 5. That declarant has been incarcerated since 10th
24 day of December, 2002 and will remain incarcerated through
25 approximately 10th day of June, 2012;

26 6. That as a right guaranteed by the due process and
27 equal protection clauses of the state and federal constitutions
28 declarant has a right to the appointment of legal counsel in the

1 within cause of action based upon: (a) declarant is confronted with
 2 a bona fide legal action threatening personal and/or property inter-
 3 est, (b) declarant is indigent and in prison, (c) declarant plans
 4 to defend from the action herein, and (d) adverse judgement would
 5 affect declarant's present and/or future property rights;

6 7. That declarant is entitled to the appointment of coun-
 7 sel and declarant does declare that such appointed counsel should
 8 be awarded legal fees in accordance with standards within the com-
 9 munity for similar cases;

10 8. That attorney fees should be ordered by this court to
 11 be paid pursuant to, but not limited to, (a) Business and Profession
 12 Code, Section 6210, (b) Government Code, Section 27706, and/or (c)
 13 legal duty and obligation of law enforcement/correctional agency
 14 to provide for the constitutionally mandated needs of wards remanded
 15 to custody;

16 9. That without relief requested herein that declarant
 17 will continue to suffer deprivations of constitutional and/or other
 18 legal rights as stated above.

19 VERIFICATION

20 I have read the above statements and do declare upon
 21 penalty of perjury that these statements are true and correct as
 22 based upon information and belief. Executed this 9th day of
 23 January, 2008 at Tehachapi State Prison,
 24 California pursuant to Code of Civil Procedure, Sections 446 and
 25 2015.5.

26 *Amended Signature*
 27 *Dated: 4-9-08*
 28

Tony Davis

 DECLARANT
Tony Davis

EXHIBIT (A)



STEVE WESTLY
California State Controller
DIVISION OF COLLECTIONS
October 28, 2005

Tony Davis #J-76575
Unit 1 BH-32-L
PO Box 107
Tehachapi, CA 93581

Subject: UNCLAIMED PROPERTY SEARCH

Dear Mr. Davis:

Thank you for your recent inquiry regarding unclaimed funds which may have been turned over to our office in the name(s) you requested us to research. Based on the information you have provided us, we have researched our files and cannot locate any record of properties under the name(s) you have submitted to us.

Our office receives thousands of new unclaimed property accounts each year. We suggest you contact us annually to inquire if any unclaimed funds have been reported in your name. You can do this by writing to us at the address below. If you prefer to speak to one of our agents, we are available to assist you Monday – Friday from 8:00 a.m. to 5:00 p.m. Pacific Time. You can reach us by calling our toll-free number at 1(800) 992-4647 (within California) or (916) 323-2827 (outside California). If you have Internet access, you can search for property on our online database by visiting our website at WWW.SCO.CA.GOV. There is no statute of limitation in filing abandoned property claims with State Controller's Office.

Sincerely,

Consumer Services Unit

Bureau of Unclaimed Property
MAILING ADDRESS P.O. Box 942850, Sacramento, CA 94250-5873
3301 C Street, Suite 712, Sacramento, CA 95816 (916) 323-2827 or (800) 992-4647

EXHIBIT (B)

LANDSAFE TITLE

RECORDING REQUESTED BY:

~~CTC Real Estate Services~~

AND WHEN RECORDED MAIL TO:

Countrywide Home Loans, INC.

FKA COUNTRYWIDE FUNDING CORPORATION

400 COUNTRYWIDE WAY SV-35

SIMI VALLEY, CA 93065

Forward Tax Statements to Address listed above

01850

DOC # 1999-0379143

Jun 02, 1999 8:00 AM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER

FEES: 13.00

OC: NA



1999-0379143

SPACE ABOVE THIS LINE FOR RECORDER'S USE

TS No.: 99-01069

Loan No.: 9687834

Title Order No.: 03125092

Investor/Insurer No.: 444440079242

ACCOMODATION ONLY**TRUSTEE'S DEED UPON SALE**

TRA# _____

APN# 4716100200

TRANSFER TAX: \$ 0

The Grantee herein was the beneficiary

The amount of the unpaid debt was \$ 109,678.52

The amount paid by the Grantee was \$ 88,920.00

The property is in the city of SAN DIEGO, County of SAN DIEGO

CTC REAL ESTATE SERVICES FKA CTC FORECLOSURE SERVICES CORPORATION, as the duly appointed Trustee (or successor Trustee or substituted Trustee), under a Deed of Trust referred to below, and herein called "Trustee", does hereby grant without covenant or warranty to:

BANKERS TRUST COMPANY OF CALIFORNIA, N.A. AS TRUSTEE, ON BEHALF OF
 VENDEE MORTGAGE TRUST 1994-2, ~~BY COUNTRYWIDE HOME LOANS, INC. AS~~
~~ATTORNEY-IN-FACT~~

herein called Grantee, the following described real property situated in SAN DIEGO County, California:

SEE ATTACHED LEGAL DESCRIPTION

This conveyance is made pursuant to the powers conferred upon Trustee by the Deed of Trust executed by TONY DAVIS, A SINGLE MAN AND RUBY DAVIS AN UNMARRIED WOMAN AS JOINT TENANTS, as Trustor, recorded on 02/09/94, Instrument Number 19940092725(or Book , Page 157) Official Records in the Office of the County Recorder of SAN DIEGO County.

All requirements of law regarding the recording and mailing of copies of the Notice of Default and Election to Sell, and the recording, mailing, posting, and publication of the Notice of Trustee's Sale have been complied with.

01851

TS No.: 99-01069
Loan No.: 9687834
Title Order No.: 03125092

Trustee, in compliance with said Notice of Trustee's Sale and in exercise of its power under said Deed of Trust sold said real property at public auction on 5/28/99. Grantee, being highest bidder at said sale became the purchaser of said property for the amount bid, which amount was \$ 88,920.00.

DATE: May 28, 1999

CTC Real Estate Services FKA CTC
Foreclosure Services Corporation

BY: 

PAT DUGGAN, Assistant Vice President

State of California }
County of Ventura }

On 05/28/99, before me KRISTI HUFFORD, notary public, personally appeared PAT DUGGAN, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.


KRISTI HUFFORD



01852

03125092

EXHIBIT A

LOTS 128 AND 129 IN BLOCK OF THE RESUBDIVISION OF BLOCKS 1 TO 12 INCLUSIVE OF FAIRMOUNT ADDITION TO CITY OF HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1347 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JULY 8, 1911.

THE LATEST TAX BILL FROM THE SAN DIEGO COUNTY TAX COLLECTOR SHOWS THE SITUS ADDRESS OF SAID LAND AS 4839 RENO DRIVE, CITY OF SAN DIEGO, CALIFORNIA, AND THE PARCEL NUMBER AS 471-610-02-00.

EXHIBIT (C)

Mr. Tony Davis CDC# J-76575
California Correctional Inst.
Unit #1 Briggs Hall
P.O. Box 107
Tehachapi, CA 93581

December 8, 2005

Assessor/Recorder/County Clerk
Mr. Greg J. Smith
1600 Pacific Hwy. Room # 103
San Diego, CA 92101

Dear Mr. Smith:

I am writing in hopes that you can help me in regards to getting a copy of a "Deed" to two (2) pieces of property located at 4839 and 4841 Reno Dr, which was purchased by my mother, Ms. Ruby Davis (Maiden name, "Beasley"), and of which my name was also on said "Deed".

Sir, my mother passed away approximately seven (7) to eight (8) years ago, and due to the fact that I was, and have been incarcerated all these years, I lost contact with my mother and did not learn of her passing until a few months ago. Since then, I have been trying to find out what has taken place with this property because my name was on the "Deed" and I was never contacted in regards to any transactions that may have taken place this property, and by law I should have been. At this time I can say that I know for a fact that this property was in my mother's name, that my mother purchased and was making payments on this property for atleast fifteen (15) to twenty (20) years before her passing, and that she acquired a loan through the Countrywide Loan Company, put a \$50,000 deposit down on the property, and was making monthly mortgage payments to this Loan Company up until her passing.

Mr. Smith, all I am trying to do is gather information on what has taken place with this property. So, if you could please atleast let me know, or direct me, on how to go about getting a copy of the "Deed" to this property. I would be more than grateful. Due to the fact that I am incarcerated I limited as to what resources I can use. I am having a very difficult time getting any information or responses to any of the places I am contacting. However, it is my understanding that your office should be able to help me and once I know how to go about obtaining a copy of this "Deed", I can begin to use what resources I do have to get it. So if

you can please help me in any way you can I would be very grateful.

Thank you **very much** for your time and consideration in this matter and I sincerely hope to hear from you as soon as you have the time.

Respectfully

CC: Personal File

EXHIBIT (D)

Mr. Tony Davis CDC# J-76575
California Correctional Inst.
Unit #1 Briggs Hall
P.O. Box 107
Tehachapi, CA 93581

December 8, 2005

Library,
Ms. Merilyn Crouch
5555 Overland Ave. Buld. 15
San Diego, CA 92123

Ms. Crouch

I am writing in hopes that you can help me in obtaining information concerning a "Deed" to two (2) pieces of property located at 4839 and 4841 Reno Dr, which was purchased by my mother, Ms. Ruby Davis (Maiden name, "Beasley"), and of which my name was also on said "Deed".

You see, my mother passed away approximately seven (7) to eight (8) years ago, and due to the fact that I was, and have been incarcerated all these years, I lost contact with my mother and did not learn of her passing until a few months ago. Since then, I have been trying to find out what has taken place with this property because my name was on the "Deed" and I was never contacted in regards to any transactions that may have taken place this property, and by law I should have been. Since then I have written to numerous places trying to atleast find out who I should write, contact, or what needs to be done to get a copy of the "Deed", however, no one seems to want to respond to any of my written communication. Whether it is because I am writing the wrong places, people do not have the time, or I am sending them wrong information, I don't know.

As of this time, the only information I can give you that I know for a fact is that my mother acquired a loan through the Countrywide Loan Company, put down a \$50,000.00 down payment, and was making monthly mortgage payments on this property for atleast fifteen (15) to twenty (20) years before she passed, and that my name was on the "Deed" along with hers. Due to the fact that I am incarcerated I am limited as to what resources I can use, and I am having a very difficult time getting any information or responses to any of the places I am contacting. Our library here is really outdated and not up to par so addresses are hard to get. So if you can please give me some direction I would be more than grateful.

Thank you very much for your time and consideration in this matter and I sincerely hope to hear from you as soon as you have the time.

Sincerely,

CC: Personal File

EXHIBIT (E)

December 13, 2005

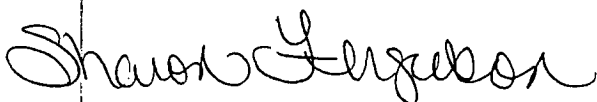
Mr. Tony Davis CDC# J-76575
California Correctional Inst.
Unit #1 Briggs Hall
P.O. Box 107
Tehachapi, CA 93581

Mr. Davis:

Our records show that the property at 4839-4841 Reno Drive,
defaulted and was sold on 9/3/99 by Bankers Trust Company
of California, N.A., as trustee on behalf of Vendee Mortgage •
Trust-1994-2

I hope this information is helpful to you.

Very truly yours,



Sharon Ferguson
Assistant Division Chief
Records Division

TRUST Co. OF THE WEST
865 S. FIGUEROA ST 1800
LOS ANGELES, CA. 90017.
~~-213 244-0000~~
County Administration Center
1600 Pacific Highway Rm. 260
(619) 237-0502

EXHIBIT (F)

Tony Davis CDC #J-76575
California Correctional Inst.
Unit I-Briggs Hall -32L
P.O. Box 107
Tehachapi, CA 93581

MAIL BUSINESS OFFICE 18
CENTRAL DIVISION
2006 MAR - CANCELLED
CLEAN-SUPERIOR
SAN DIEGO COUNTY, CA

February 26, 2006

San Diego County Court House
220 West Broadway
P.O. Box 122724
San Diego, CA 92112

Dear Clerk:

I recently learned that some property in San Diego, County, in which the deed had mine, as well as my mothers name on it, went into foreclosure and was resold after my mother passed a few years ago. Anyway, since I was never notified and did not learn of my mothers passing until the last few months, it is my belief that I may have to file a civil suit, or some type of legal motion with the court to try and get my property back or atleast told who was responsible for foreclosing the property and why it was done without my being given an opportunity to make good on the payments. The fact that I am in prison should have had no bearing on whether or not I could make payments due on the house.

The problem is...our legal law librarian can be of no assistance in helping me obtain the proper legal paper work to file any civil action, or whatever I may be able to file.

So I am asking you if you could possibly help by sending me the proper legal forms that I need to resolve my issue?

Thank you for your time and consideration in this matter.

Sincerely,



cc: Personal File

EXHIBIT (G)



Gregory J. Smith

COUNTY OF SAN DIEGO

ASSESSOR / RECORDER / COUNTY CLERK



ASSESSOR'S OFFICE

1600 Pacific Highway, Room 103
San Diego, CA 92101-2480
Tel. (619) 236-3771 • Fax (619) 557-4056

www.sdarcc.com

RECORDER/COUNTY CLERK'S OFFICE

1600 Pacific Highway, Room 260
P.O. Box 121750 • San Diego, CA 92112-1750
Tel. (619) 237-0502 • Fax (619) 557-4155

April 24, 2008

Mr. Tony Davis J-76575
California Correctional Institution
P.O. Box 107
Tehachapi, CA 93581

Mr. Davis,

You may obtain a copy of a deed by mailing a request to the Recorder's Office.

The TRUSTEE'S DEED UPON SALE has the document number of 1999-0379143, and was recorded on June 2, 1999. It is a 3 page document, and may be purchased for a fee of \$6.00. If you would like it certified, there is an additional fee of \$1.00.

If this is not the document you wish to obtain, you may search the Grantor/Grantee Index at the County website, [www. SDARCC.com](http://www.SDARCC.com).

When requesting copies, you must provide the following information:

The Document Number

The Recording Year

The Name of at least one of the parties named on the document

The Type of Document

The mailing address is:

San Diego Assessor/Recorder/County Clerk
PO Box 121750
San Diego, CA 92112-1750
Attn: Real Estate Records

I hope this has been helpful.

Sincerely,

Lynda Messner

Supervising Assessment Clerk

Branch Offices Available To Serve You

CHULA VISTA

590 Third Avenue
Chula Vista, CA 91910-5617
(619) 498-2200

EL CAJON

200 S. Magnolia Avenue
El Cajon, CA 92020-4524
(619) 401-5700

KEARNY MESA

9225 Clairemont Mesa Blvd.
San Diego, CA 92123-1211
(858) 505-6262

SAN MARCOS

334 Via Vera Cruz, Suite 150
San Marcos, CA 92078-2638
(760) 940-6868

MONDAY, MARCH 10, 2008

Reports: Countrywide investigated for fraud

The Associated Press

LOS ANGELES — Federal authorities are investigating Countrywide Financial Corp. for securities fraud, according to media reports.

The FBI is in the early stages of an inquiry into whether company officials misrepresented its financial position and the quality of its mortgage loans, *The Wall Street Journal* first reported Saturday, citing law enforcement officials and finance executives with knowledge of the development.

The Justice Department also is involved in the investigation into the nation's largest mortgage lender, said *The New York Times*, which also cited anonymous sources who said they were not authorized to discuss ongoing criminal matters.

"We are not aware of any such investigation," Countrywide spokeswoman Susan Martin told the *Times*.

FBI spokesman Richard Kolko declined to confirm for *The Times* that an investigation had been opened.

Investigators are looking at evi-

dence that may suggest that company executives knew their mortgage securities would see many more defaults than predicted in its public documents, one source told *The Journal*.

The inquiry is part of a larger probe involving as many as 15 companies and comes in the midst of the subprime mortgage crisis.

Bank of America Corp. is in the process of acquiring California-based Countrywide for about \$4 billion in stock. Bank of America agreed to the acquisition in January, and the transaction is expected to close in the third quarter. A spokesman for Bank of America declined to comment.

Countrywide CEO Angelo Mozilo was one of three mortgage industry executives brought before a Congressional committee Friday to defend their exorbitant pay at a time the industry was reeling.

Congressional figures showed that Countrywide lost \$1.2 billion in the third quarter of 2007 and an additional \$422 million in the fourth quarter. The company's stock fell 80 percent between February and the end of the year.

PROOF OF SERVICE BY MAIL

I declare that:

I am a resident of TEHACHAPI in the county of
TEHACHAPI
KERN, California. I am over the age of 18 years. My
residence address is: P.O. BOX 107, BRIGGS HALL 103 LOW.

On MAY 4, 2008, I served the attached MOTION- CIVIL PLEADING
on the _____ in said case by placing a
true copy thereof enclosed in a sealed envelope with postage thereon fully
paid, in the United States mail at TEHACHAPI
addressed as follows: OFFICE OF THE CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA 880 FRONT ST. STE. 4290
SAN DIEGO, CALIFORNIA 92101-8900

I declare under penalty of perjury under the laws of the State of
California that the foregoing is true and correct, and that this declaration
was executed on 5-4-08 at TEHACHAPI, California.

VANCE P. MILES
[Type or Print Name]

Vance P. Miles
[Signature]



JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

Tony Davis

Trust Company of the West

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF **Kern**
(EXCEPT IN U.S. PLAINTIFF CASES)

FILING FEE PAID	
Yes	No <input checked="" type="checkbox"/>
IFP MOTION FILED	
Yes <input checked="" type="checkbox"/>	No
COPIES SENT TO	
Court	Pro Se

FILED
OCT 20 2008
CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA BY <i>[Signature]</i> DEPUTY

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Tony Davis
PO Box 107
Tehachapi, CA 93581
J-76575

ATTORNEYS (IF KNOWN)

'08 CV 1953 LAB RBB

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX (For Diversity Cases Only) FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | |
|---|----------------------------|--|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

42 U.S.C. 1983

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> Marine <input type="checkbox"/> Miller Act <input type="checkbox"/> Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. <input type="checkbox"/> Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(a)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input checked="" type="checkbox"/> 550 Civil Rights			

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE 10/20/2008

SIGNATURE OF ATTORNEY OF RECORD

R. Miller

CR